

**UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF INDIANA  
HAMMOND DIVISION AT LAFAYETTE**

JOHN DOE,

Plaintiff,

v.

CAUSE NO.: 4:19-CV-56-TLS-JPK

PURDUE UNIVERSITY, *et al.*,

Defendants.

**OPINION AND ORDER**

This matter is before the Court on a Stipulation Regarding Leave to File Second Amended Complaint and Dismissal of Defendants Rollock, Wright, Rooze, and John/Jane Moe(s) 1–5 [ECF No. 68], filed on July 10, 2020.

The parties agree that Defendant Katherine L. Sermersheim, in her official capacity, has sufficient authority, power, and ability to perform all of the injunctive relief prayed for as remedies for Counts 1, 3, and 4 in Plaintiff’s proposed Second Amended Complaint. Therefore, the parties stipulate that Defendants Alysa Christmas Rollock, Christie Wright, Jeff Rooze, and John/Jane Moe(s) 1–5, who are presently in this case solely as official capacity *Ex Parte Young* defendants, each be dismissed from this case without prejudice. The parties ask the Court to grant Plaintiff leave to file a Second Amended Complaint, attached as an exhibit to the motion, naming as the sole Defendants The Trustees of Purdue University and Katherine L. Sermersheim solely in her official capacity under *Ex Parte Young*.

The Seventh Circuit Court of Appeals has held that the proper procedure for dismissal of individual parties or claims is by the amendment of pleadings under Federal Rule of Civil Procedure 15(a) and not by dismissal under Federal Rule of Civil Procedure 41(a). *Taylor v. Brown*, 787 F.3d 851, 857–58, 858 n. 9 (7th Cir. 2015) (“Rule 15(a) allows a plaintiff to amend

his complaint—including by adding or dropping parties and claims—as a matter of right in some situations and by court order in others . . .”). Therefore, the identified defendants will be dropped as parties upon the filing of the Second Amended Complaint, and no separate order of dismissal is required.

Accordingly, the Court GRANTS the motion contained within the Stipulation Regarding Leave to File Second Amended Complaint and Dismissal of Defendants Rollock, Wright, Rooze, and John/Jane Moe(s) 1–5 [ECF No. 68] and ORDERS Plaintiff to file the Second Amended Complaint upon receipt of this Order.

SO ORDERED on July 15, 2020.

s/ Theresa L. Springmann

JUDGE THERESA L. SPRINGMANN  
UNITED STATES DISTRICT COURT